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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/519,808

12/29/2004

Katsuyuki Kitagawa

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25944 7590 03/10/2010

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EXAMINER

BUCKLE JR, JAMES J

ART UNIT

PAPER NUMBER

3633

NOTIFICATION DATE

DELIVERY MODE

03/10/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OfficeAction25944@oliff.com
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| | | | |
|------------------------------|---------------------------------------|--|--|
| Office Action Summary | Application No. 10/519,808 | Applicant(s) KITAGAWA, KATSUYUKI | |
| | Examiner JAMES J. BUCKLE JR | Art Unit 3633 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-26 is/are pending in the application.
- 4a) Of the above claim(s) 17-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :12/29/2004;8/23/2006;10/5/2007;8/20/2008;6/22/2009;10/9/2009.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Species II in the reply filed on 12/7/2009 is acknowledged. The traversal is on the ground(s) that the search and examination of the entire application could be made without serious burden. This is not found persuasive because the Examiner considers searching for the multiple inventions (species), as set forth, a serious burden.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 18-26 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 12/7/2009. Claims 16 and 17 are examined below. The limitations in claims 18-22 do not read on the elected species. Claim 18 recites "an eave" which pertains to an element of Species I, Figure 1. Claim 19 recites a substantially rectangular parallelepiped space which pertains to Species IV, Figure 16. Claim 20 recites a ribbed structure which pertains to an element in Species IV, Figure 19(b). Claim 21 recites the elements of steel frame members of Species IV, Figure 31. Finally, Claim 22 recites a plurality of strengthening members of Species III, Figure 11. Therefore claims 18-22, has further been withdrawn from consideration and only claim 16 has been examined.

Claim Rejections - 35 USC § 102

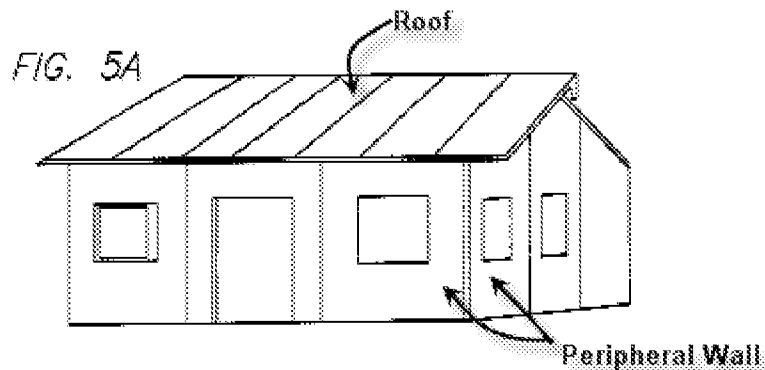
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 16 is rejected under 35 U.S.C. 102(b) as being anticipated by Rook (U.S. Patent No. 6,006,480).

5. Regarding claim 16, Rook discloses a prefabricated resin house (Fig. 5A-5B), comprising: a peripheral wall (Peripheral Wall) formed by assembling a plurality of peripheral wall structural members (10) comprising styrene foam; and a roof (Roof) formed by assembling a plurality of roof structural members (20, Fig. 4a) comprising styrene foam, which is placed on top of the peripheral wall, wherein: interlocking portions are formed at side end surfaces on both sides of each of the peripheral wall structural members and the peripheral wall structural members are bonded to each other by fitting interlocking portions facing opposite each other (Fig. 1); and interlocking portions are formed at side end surfaces on both sides of each of the roof structural members and the roof structural members are bonded to each other by fitting interlocking portions (Fig. 4a -4c) facing opposite each other; and a frame achieving a strengthening member of a prefabricated house is not provided.



Reproduced from U.S. Patent No. 6,006,480

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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8. Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO0144593 in view of Seitz (U.S. Patent No. 4,788,803).

9. Regarding claim 16, WO0144593 discloses a prefabricated resin house (Fig. 1), comprising a peripheral wall formed by assembling a plurality of peripheral wall structural members (10-19) comprising styrene foam; and a roof (Considered upper portion of the peripheral structural members) comprising styrene foam, wherein: interlocking portions (approximate DD and DE, Fig. 4) are formed at side end surfaces on both sides of each of the peripheral wall structural members and the peripheral wall structural members are bonded to each other by fitting interlocking portions facing opposite each other (Fig. 4). WO0144593 does not disclose the roof being formed by assembling a plurality of roof structural members. However, Seitz teaches that it is known to have a prefabricated house comprising of a plurality of interlocking roof structural members (18, Fig.1) placed on top of a peripheral wall . It would have been obvious to one having ordinary skill in the art to have modified the house disclosed by WO0144593 with the roof members as taught by Seitz to be able to quickly and easily replace individual members of the roof when necessary. The combination would result in a prefabricated house having interlocking portions that are formed at side end surfaces on both sides of each of the roof structural members and the roof structural members are bonded to each other by fitting interlocking portions facing opposite each other; and a frame achieving a strengthening member of a prefabricated house is not provided.

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10. Regarding claim 17, WO0144593 in view of Seitz further discloses interlocking portions that are formed at upper (Fig. 4, Seitz) and lower (Fig.8, WO01144593) end surfaces of the peripheral wall structural members and upper and lower end surfaces of the roof structural members, and the peripheral wall structural members are bonded with each other and the roof structural members are bonded with each other by fitting interlocking portions facing opposite each other.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES J. BUCKLE JR whose telephone number is (571)270-3739. The examiner can normally be reached on Monday-Thursday, Alternating Friday 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James J Buckle Jr
Examiner
Art Unit 3633

JJB

/Brian E. Glessner/
Primary Examiner, Art Unit 3633